



0000207186

ORIGINAL

RECEIVED

2022 JUL 11 A 11:49

Arizona Corporation Commission

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED

JUL 11 2022

DOCKETED BY

Court S. Rich - AZ Bar No. 021290
 Eric A. Hill - AZ Bar No. 029890
 Rose Law Group pc
 7144 E. Stetson Drive, Suite 300
 Scottsdale, Arizona 85251
 Bus: (480) 505-3937
 crich@roselawgroup.com
 ehill@roselawgroup.com
 Attorneys for Sierra Club

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE)	DOCKET NO. L-00000B-21-0393-00197
APPLICATION OF SALT RIVER)	
PROJECT AGRICULTURAL)	
IMPROVEMENT AND POWER)	
DISTRICT, IN CONFORMANCE WITH)	
THE REQUIREMENTS OF ARIZONA)	
REVISED STATUTES, SECTIONS 40-)	
360, ET SEQ., FOR A CERTIFICATE OF)	SIERRA CLUB RESPONSE TO SRP's
ENVIRONMENTAL COMPATIBILITY)	NOTICE OF APPEAL
AUTHORIZING THE EXPANSION OF)	
THE COOLIDGE GENERATING)	
STATION, ALL WITHIN THE CITY OF)	
COOLIDGE, PINAL COUNTY,)	
ARIZONA.)	

Sierra Club respectfully submits the following response to the Notice of Appeal filed by Salt River Project ("SRP") on July 8, 2022. SRP's Notice states that on July 6, 2022, it filed an action in Maricopa County Superior Court and a special action petition with the Arizona Supreme Court challenging the Arizona Corporation Commission's Decision No. 78545 to deny Salt River Project's ("SRP") application for a Certificate of Environmental Compatibility ("CEC") for the Coolidge Expansion Project. In response to SRP's Notice of Appeal, the Commission has included on the agenda for its July 12, 2022 open meeting an agenda item noting the lawsuits and giving notice of "Commission discussion, consideration, and possible vote to reopen Decision No. 78525 [sic] pursuant to A.R.S. § 40-252, with Notice and Opportunity to be Heard."

1 The Commission should not reopen its decision to deny the CEC for the Coolidge
2 Expansion Project. The Commission has rightly voted to reject this project not just once,
3 but twice. The Commission's decision was based on abundant evidence in the record
4 showing that the Project would have significant negative environmental impacts on the
5 Randolph community, the surrounding region, and the state, including air pollution, noise,
6 visual impacts, and other harms. The Commission also properly considered evidence
7 showing that SRP failed to adequately consider feasible and economical alternatives that
8 would meet the need for electric power while avoiding these negative impacts. The
9 Commission carefully weighed the evidence and concluded that the Project was not in the
10 public interest for the reasons outlined in Decision No. 78545. As explained in Sierra
11 Club's May 23, 2022 response to SRP's earlier Request for Rehearing and
12 Reconsideration, Decision No. 78545 is well supported by the evidence, entirely within the
13 Commission's statutory authority, and is on solid legal grounds. Recognizing this, the
14 Commission rejected SRP's request for rehearing and voted to reject the project a second
15 time.

16 At the June 6, 2022 special open meeting where the Commission voted to deny
17 rehearing, Commissioner O'Connor correctly observed that the project would likely end
18 up being litigated whatever the Commission decides. SRP's lawsuits are not a reason for
19 the Commission to reconsider its decision. Indeed, even if the Commission were to reverse
20 its decision and approve the CEC, the project would likely end up being challenged in court
21 anyway. Reversing the Commission's well-reasoned decision would be arbitrary and
22 would not avoid litigation.

23 The Commission should not reconsider its well-supported and legally sound
24 decision merely because SRP has now filed two meritless lawsuits. SRP asks the courts to
25 overturn the Commission's decision simply because SRP disagrees with the outcome. The
26 Commission should not back down in the face of SRP's attempts to pressure it into
27 reversing its decision. The Commission's role is to protect the public interest. Here, after
28 carefully considering all the evidence, the Commission correctly concluded that the

1 Coolidge Expansion Project is not in the public interest, as it would have significant
2 negative impacts on the Randolph community, the region, and the state. Nothing has
3 changed, and the Commission should stand by its decision. Sierra Club agrees with the
4 points along these lines made in the response filed today by counsel for the Randolph
5 residents in this docket.

6 Although Sierra Club strongly opposes the reopening of the Commission's decision,
7 if the Commission does choose to reopen the decision it should provide all interested
8 parties a further "opportunity to be heard" as required by A.R.S. § 40-252 before taking
9 any final action.

10 **RESPECTFULLY SUBMITTED** this 11th day of July, 2022.

11
12 **ROSE LAW GROUP pc**

13 /s/ Court S. Rich

14 Court S. Rich

15 Eric A. Hill

16 Attorneys for Sierra Club
17
18
19
20
21
22
23
24
25
26
27
28

1 **Original plus 25 copies filed on**
2 **this 11th day of July, 2022 with:**

3 Docket Control
4 Arizona Corporation Commission
5 1200 W. Washington Street
6 Phoenix, Arizona 85007

7 *I hereby certify that I have this day served a copy of the foregoing document on all*
8 *parties of record in this proceeding by regular or electronic mail to:*

9 Paul A. Katz, Chairman
10 Arizona Power Plant and Transmission
11 Line Siting Committee
12 Office of the Attorney General
13 tod.brewer@azag.gov

Albert H. Acken
Jennings, Strouss & Salmon, P.L.C.
aacken@jsslaw.com
bert@ackenlaw.com

14 Robin Mitchell
15 Utilities Division
16 Arizona Corporation Commission
17 legaldiv@azcc.gov
18 utildivservicebyemail@azcc.gov

Adam Stafford
Western Resources Advocates
adam.stafford@westernresources.org

19 Stephen Emedi
20 Kathryn Ust
21 Arizona Corporation Commission
22 sjemedi@azcc.gov
23 kust@azcc.gov

Dianne Post
Randolph Residents
postdlpost@aol.com
autumn@tierrastrategy.com

24 Karilee Ramaley
25 Salt River Project Agricultural
26 Improvement and Power District
27 karilee.ramaley@srpnet.com

28 By: /s/ Hopi L. Slaughter